

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JASON M. TOOMEY,

Plaintiff,

v.

GARY LONG, *et al.*,

Defendants.

:
:
:
:
:
:
:
:
:
:
:

Case No. 5:21-cv-00416-MTT-CHW

ORDER

Pro se Plaintiff Jason M. Toomey, an inmate at the Butts County Detention Center in Jackson, Georgia filed a document that was docketed as a 42 U.S.C. § 1983 civil rights claim. ECF No. 1. Plaintiff did not pay the \$402.00 filing fee nor did he request to proceed without prepayment of the filing fee.

On December 16, 2021, Plaintiff was ordered to recast his complaint on a § 1983 form and to either submit a motion to proceed *in forma pauperis* or pay the full filing fee. ECF No. 3. Plaintiff was given fourteen (14) days to respond and was informed that failure to comply would result in dismissal of his action. *Id.* Plaintiff failed to respond.

Therefore, on January 10, 2022, the Court notified Plaintiff that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply and diligently prosecute his claims. ECF No. 4. The Court unambiguously informed Plaintiff that his action would be dismissed if he failed to respond. *Id.* Plaintiff was given fourteen (14) days to respond, and he failed to do so.

Due to Plaintiff's failure to follow the Court's Orders and failure to prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.").

SO ORDERED, this 7th day of February, 2022.

S/ Marc T. Treadwell

MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT